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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,288	02/09/2001	Harihara Rama Subramanian	010814.000010	6769

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ALCATEL USA  
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3400 W. PLANO PARKWAY, MS LEGL2  
PLANO, TX 75075

EXAMINER

BATES, KEVIN T

ART UNIT PAPER NUMBER

2155

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/780,288

Applicant(s)

SUBRAMANIAN ET AL.

Examiner

Kevin Bates

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

This Office Action is in response to a communication made on October 20, 2004.

Claims 1-18 are pending in this application.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit (6157636) in view of Jorgensen (6640248).

Regarding claims 1 and 10, Voit discloses a method, comprising the steps of monitoring, by a network access controller, data being transmitted from and received by a client system (Column 9, lines 1 – 17); receiving, in the network access controller, a request from the client system for a data service to be provided by a server system (Column 5, lines 61 – 67), the request being directed to the server system; determining if the client system is authorized for the data service; if the client system is authorized for the data service, then sending the request to the server system (Column 5, lines 60 – 67), but does not explicitly indicate that the system identifies data flows of different service levels and has premium billing of the data flow based on the service level. Jorgensen discloses a system that can identify data flows which need increased service levels and teaches the idea of premium billing based on that increased service level (Column 12, lines 51 – 66). It would have been obvious to one of ordinary skill in the art

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at the time the invention was made to use Jorgensen's teachings of service levels and billing ideas on Voit's system in order to have many types of applications and data flows in the network work according to a proper quality of service (Column 2, line 54 – Column 3, line 4).

Regarding claims 2 and 11, Voit discloses that the network access controller monitors individual packets passing between the client and the server (Figure 4, where it mentions IP Access Network Functions includes a firewall).

Regarding claims 3 and 12, Voit discloses that the network access controller identifies the request by analyzing each packet transmitted from the client system (Column 10, lines 45 – 51).

Regarding claims 4 and 13, Voit discloses that the network access controller determines if the client system is pre-authorized for the data service (Column 5, lines 59 – 65).

Regarding claims 5 and 14, Voit discloses that the network access controller determines if the client system is authorized by for a data service by requesting authorization from a management system (Column 5, lines 59 – 65).

Regarding claims 6 and 15, Voit discloses that the client system is authorized for a data service after a credit determination (Column 6, lines 61 – 65).

Regarding claims 7 and 16, Voit discloses that the user of the client is billed according to the specific data services authorized for the client system (Column 6, lines 18 – 32).

Regarding claims 8 and 17, Voit discloses that the network access controller discards any request from the client system which is not authorized (Column 6, lines 63 – 65; where network access won't be negotiated if not authorization is granted).

Regarding claims 9 and 18, Voit discloses the step of storing, in the network access controller, statistical data relating to the data services delivered to the client system (Column 5, lines 65 – 67).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB  
February 14, 2005

  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**